

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF OREGON

ROY ROOSEVELT RYDER, JR.,

No. 3:19-cv-00345-YY

Petitioner,

ORDER

v.

UNITED STATES OF AMERICA;  
DEPT. OF JUSTICE; BUREAU OF  
PRISONS; JOSIAS SALAZAR, Warden,

Respondents.

HERNÁNDEZ, District Judge:

Magistrate Judge You issued a Findings and Recommendation (“F&R”) on March 30, 2021, in which she recommends that this Court deny the Petition for Writ of Habeas Corpus and enter a judgment of dismissal. F&R, ECF 14. The matter is now before the Court pursuant to 28 U.S.C. § 636(b)(1)(B) and Federal Rule of Civil Procedure 72(b).

Petitioner filed timely objections to the Magistrate Judge’s F&R. Pet. Obj., ECF 19. Petitioner concedes this case became moot when he was released from incarceration, and only

challenges the F&R to the extent that Judge You found the BOP's denial of Petitioner's request for placement in home confinement is a discretionary decision that is not subject to judicial review. *Id.* Respondent agrees this case is moot and therefore asks this Court to decline to reach Judge You's alternative jurisdictional analysis. Resp., ECF 20. When any party objects to any portion of the Magistrate Judge's Findings & Recommendation, the district court must make a *de novo* determination of that portion of the Magistrate Judge's report. 28 U.S.C. § 636(b)(1); *Dawson v. Marshall*, 561 F.3d 930, 932 (9th Cir. 2009); *United States v. Reyna-Tapia*, 328 F.3d 1114, 1121 (9th Cir. 2003) (en banc).

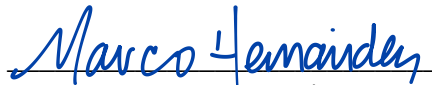
The Court has carefully considered the objections. Because Petitioner's claim is moot, the Court agrees there is no need to reach the F&R's alternative analysis regarding the availability of relief under 28 U.S.C. § 2241. The Court has also reviewed the pertinent portions of the record *de novo* and finds no error in the Magistrate Judge's F&R.

### CONCLUSION

The Court ADOPTS Magistrate Judge You's F&R [14] only to the extent that she found this claim is moot and STRIKES the remainder of the F&R. Accordingly, the Petition for Writ of Habeas Corpus [1] is DENIED.

IT IS SO ORDERED.

DATED: July 25, 2021.

  
MARCO A. HERNÁNDEZ  
United States District Judge